

Without enough workers in the U.S. to fill jobs, ranches and farms in Texas look abroad

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Jay Bragg, the associate director of the commodity and regulatory activities division at the Texas Farm Bureau, said it's hard to find workers in rural communities to help on farms.

This is the first story in an ongoing Texas Newsroom project exploring H-2A visas.

No state has more ranches or farms than Texas, which produces everything from cotton and corn to cattle and watermelons. Last year, the agriculture industry brought in nearly \$25 billion in revenue.

But farmers continue to face a significant challenge: a labor shortage.

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“It’s quite important, and it’s just because of the type of work — it’s really hard, hard work,” said Luis Ribera, the director of the Center for North American Studies at Texas A&M University. “And domestic workers, they’d rather work somewhere else.”

As a result, the demand for foreign agricultural workers has hit an all-time high, and experts say the trend could continue even though the program that brings workers into the country, H-2A, is ripe for exploitation.

Demand soars

The H-2A program was created in 1986 through the Immigration Reform and Control Act. The legislation split what was then known as the H-2 program, creating H-2A visas for temporary agricultural workers and H-2B visas for non-agricultural temporary workers.

According to the Washington, D.C.-based Bipartisan Policy Center, “the goal of the H-2A program remained identical to that of the overall H-2 visa program, which was to meet the United States’ temporary and seasonal labor needs without adding to the country’s permanent population.”

Ribera said Congress also wanted to have a better understanding of — and more control over — who was coming into the country.

Before the H-2A program, “there was more easy access to the U.S. for these workers,” Ribera said. “They will just come as crews, they’d come to the U.S., they’d harvest their crops, and they’d start moving from the South towards the North — [and] when they were done, they would go back [home].”

The H-2A program has grown exponentially since its inception — and saw an especially big increase in demand in recent years.

An analysis by The Texas Newsroom of nearly a decade’s worth of data from the U.S. Department of Labor found a 36% increase in demand for H-2A workers from 2021 to 2022. In the 2022 fiscal year, which ended on Sept. 30, 11,655 H-2A positions were certified in Texas. In 2021, 8,553 positions were certified.

Texas came in ninth for the most H-2A positions certified in the U.S. during the 2022 fiscal year. Overall, the state accounts for 3% of the total 371,619 H-2A positions certified over that period.

Jay Bragg, the associate director of commodity and regulatory activities at the Texas Farm Bureau, said the latest jump in demand for foreign workers is surprising because it’s so steep.

“But it's not surprising that the numbers continue to increase,” Bragg said. “We're to a point, particularly after COVID, [where] it is extremely difficult to find help.”

Bragg said people in rural communities are either moving to cities or just don't want labor-intensive jobs where conditions are harsh and wages are not as high as in other industries.

In Texas, the minimum an H-2A worker can make is \$14.87 an hour. The state's minimum wage is \$7.25.

Big players — workers and cities

Farmers in rural Texas rely heavily on H-2A workers to harvest crops each season.

Most H-2A positions are in the rural communities of Dalhart (6,043 H-2A positions), Cayanosa (1,745 H-2A positions), and Giddings (1,457 H-2A positions), according to data analyzed by The Texas Newsroom.

In Dalhart — a city in the panhandle with a population of about 8,300 — many of the H-2A workers assist in harvesting potatoes. In the West Texas desert village of Cayanosa, workers harvest watermelons and cantaloupes. In Giddings, H-2A recipients work in either nurseries or on construction related to agriculture.

Three of the five employers with the most requests for H-2A workers in Texas are based in those cities: Blaine Larsen Farms Inc. (Dalhart), Mandujano Brothers (Cayanosa), and Altman Specialty Plants, Inc. (Giddings).

Experts say the H-2A program could positively impact the economies of these rural communities because workers spend their wages locally, at places like grocery stores and restaurants.

But the program can be difficult for employers to navigate and is ripe for worker exploitation.

Employers in need of labor must first try to recruit domestically. If they can't find enough workers, they apply for what's known as a temporary labor certification with the U.S. Department of Labor — a designation that allows them to seek labor abroad.

The agency then decides whether to approve all, part or none of the H-2A positions requested by the employer. Once positions are approved, the employer has to complete additional paperwork with the U.S. Citizenship and Immigration Services. Then, foreign workers may apply for H-2A visas, a process that includes an interview with their local U.S. consulate.

The cost for an employer during this process could be more than \$20,000 per season, and visas still might be declined. (That's why the number of H-2A workers that actually come to the U.S. is lower than the number of positions certified.) Employers are also required to provide housing at no cost for the workers once they're in the U.S.

Many H-2A workers, on the other hand, face abuse and illegal treatment from their employers, including wage theft.

For example, earlier this year the U.S. Department of Labor found Blaine Larsen Farms didn't pay its foreign or domestic workers all of the wages they were legally owed. The federal agency recovered \$1.3 million in backwages.

Rachel Micah-Jones, founder of the transnational migrant rights organization Centro de los Derechos del Migrante Inc., told The Texas Newsroom that H-2A workers face violations of their rights "from the moment they are recruited to work in the United States."

"Often at the time workers are recruited, they are being forced to pay large sums of money to get those jobs," Micah-Jones said.

According to the Legal Aid of North Carolina, recruiters on behalf of U.S. companies have illegally told "jobseekers that in order to have a job they must pay hundreds or thousands of dollars in fees 'to get their name on the list', and to have a shot at getting the guestworker visa."

Micah-Jones said some workers do not receive their promised wages or housing once in the U.S.

She said that because the H-2A program is essentially "employer-controlled," workers have fewer rights, shying away from reporting abuse allegations because they fear retaliation or being blacklisted.

"Workers cannot self-petition for H-2A visas," Micah-Jones said. "What we're doing in the U.S. is really privatizing our immigration system by giving these employers the ability to decide where they go to recruit abroad, who they recruit, and under what conditions."

She and other advocacy groups argue that H-2A workers should self-petition for the visas instead of getting them through employers. That way, workers who face abuse would not lose their visas if they decide to leave their employer.

Since starting her nonprofit, Micah-Jones said she's seen the H-2A program grow fivefold. "So, we've seen this kind of unabated growth, and I think if there was widespread enforcement, if employers offered higher wages ... I think [demand] might look slightly different."

